

## RESEÑAS

HENDRICKSON, JOCELYN, *Leaving Iberia: Islamic Law and Christian Conquest in North West Africa*. Cambridge, MA, Harvard University Press, 2022, 432 pp.

Having taken its initial shape in the context of territorial expansion, Islamic law faced a new challenge when Muslim-held lands in the Iberian Peninsula began falling to Christian conquerors from the fifth/eleventh century onward. Among the most salient questions that Muslim jurists articulated in this context was that of emigration (*hiğra*): were Muslims who found themselves newly living under Christian rule ethically and legally obligated to emigrate to Muslim-governed territory? The legal discussions around this issue have previously drawn the attention of numerous historians. In the present book, Jocelyn Hendrickson revisits the topic, bringing together an unprecedented range of sources, some of them previously unpublished and unstudied, and offering a meticulous, deeply informed reinterpretation of those sources that have been most scrutinized. The masterful result should now be considered a first port of call for anyone dealing with these materials. Taken alone, this accomplishment would be significant enough, but Hendrickson offers readers more. She builds, chapter to chapter, profound methodological interventions into the fields of both Ibero-Maghribi history and Islamic legal history.

The book, a revised version of the author's 2009 PhD dissertation, begins with the Introduction, designated as Chapter 1. It is then divided into four parts. Part I focuses on Portuguese conquest along the Maghrib's Mediterranean and Atlantic coastlines in the ninth/fifteenth and tenth/sixteenth centuries. Chapter 2 lays out this oft-overlooked history, and Chapter 3 analyzes the legal responses of eight Maghribi jurists to these circumstances, conserved in the unpublished fatwa collection of 'Abd al-'Azīz al-Zayyāfī (d. 1055/1654), titled *al-Ġawāhir al-muḥtāra* (*Selected Jewels*). Part II turns

to better known sources: two fatwas by Aḥmad al-Wanšārīsī (d. 914/1508), chief mufti of Fez and compiler of the authoritative fatwa collection *al-Mi'yār al-mu'rib* (*The Clear Standard*). Chapter 4 examines the questions that prompted the two fatwas, called *Asnā l-matāğir* (*The Most Noble Commerce*) and the Marbella fatwa, while Chapter 5 inspects the way al-Wanšārīsī built his answers, which emphasize the obligation to emigrate. In Part III, consisting solely of Chapter 6, Hendrickson revisits another familiar source, a text by al-Wanšārīsī's contemporary in Fez, Aḥmad b. Abī Ġum'a al-Wahrānī (d. 917/1511). Part IV analyzes legal discussions over the obligation to emigrate during the French colonial period. Chapter 7 deals with the uprising of 'Abd al-Qādir al-Ġazā'irī (1803-1883) in north-western Algeria between the mid-1830s and mid-1840s, while Chapter 8 addresses the early decades of the twentieth century in Mauritania. After the thoughtful Conclusion are three appendices consisting in impeccable English translations of the key historical sources, as well as in a timeline and a glossary. This latter set of materials will be of use not only to scholars but also teachers, who will find it a rich pedagogical resource. Hendrickson notes that *SHARIAsource* is meant to publish further materials as an Online Companion to the book (xii), but thus far, this companion seems not to be available.

The book's major acts of reinterpretation lie in Parts II and III. Regarding al-Wanšārīsī's two fatwas, discussed in Part II, Hendrickson argues that while their explicit concern is the circumstances of Iberian Muslims, the texts make the most sense when understood as an oblique response to the Christian conquest then taking place on Maghribi soil. In a 2015 monograph that discusses the same fatwas, Alan Verskin expressed

skepticism toward this argument, aspects of which Hendrickson articulated in a 2011 article. He contends that the nature of Christian conquest in Iberia and in the Maghrib was too different to have raised similar issues for the Maghribi jurists and submits that historians would do well to avoid speculating on al-Wanšarīsī's mental state as he composed his fatwas (*Islamic Law and the Crisis of the Reconquista*, p. 22). Yet far from mere speculation, Hendrickson offers an array of compelling evidence to make her case. Through rigorous analysis of al-Zayyāfī's *Ġawāhir*, she shows that Maghribi jurists indeed saw the Christian conquests, whether north or south of the Strait of Gibraltar, as presenting a set of overlapping if not identical challenges, among them the matter of emigration. To argue that it was the Maghribi context al-Wanšarīsī had in mind, Hendrickson points out, for example, that the primary audience for his fatwas would have been his fellow jurists of the Maghrib — not Iberian lay Muslims, as previous scholarship has tended to assume. She also offers several reasons why al-Wanšarīsī might have found it useful to address the situation in the Maghrib only obliquely, not least of which was the current collaboration of the reigning Maghribi powers with the Portuguese. Though Hendrickson's argument ultimately falls short of a definitive case, it is cogent and well-reasoned — a master class in close, critical source interpretation with which any future scholar of these materials will need to grapple. More than that, her studied assertion that Muslim jurists “can say one thing and mean another” is a methodological provocation that will echo far beyond investigations of this particular context (p. 150).

The reinterpretation in Part III involves extricating al-Wahrānī's text from its historiographic entanglement with al-Wanšarīsī's fatwas. Addressing Iberian Muslims who had been forced to convert to Christianity, the text by al-Wahrānī offers a range of tactics by which the crypto-Muslims could covertly continue to observe Islamic practices. Past scholarship has tended to treat this text as a fatwa and has sometimes held up al-Wahrānī's accommodating guidance as a sympathetic alternative to al-Wanšarīsī's allegedly intransigent, doctrinaire insistence on the obligation to emigrate. Hendrickson resists this value-laden comparison and argues that al-Wahrānī's text was not even a fatwa. Instead, she suggests — here in explicitly tentative fashion — that the text represents “unsolicited advice”

sent by al-Wahrānī to the beleaguered crypto-Muslims in response to an appeal for diplomatic assistance sent by this community to the Ottoman sultan Bayezid II. Like the arguments in Part II, this reinterpretation is compelling and grounded in a careful study of the sources.

As a broader intervention into regional history, the book issues a robust and welcome challenge to what Hendrickson calls “Iberian exceptionalism.” By that she means the historiographic tendency to see features of medieval Iberian society, such as the inter-religious dealings of Muslims and Christians, as unique to the peninsula (p. 15). In pushing against this assumption, she stands on the shoulders of previous scholars who have likewise insisted on the historical interconnectedness of the Iberian Peninsula and the Maghrib. Yet *Leaving Iberia*, as the title suggests, also does something different: it centers not the interconnectedness itself but rather the perspectives of Maghribi authors. Explicitly positioning the book outside the juggernaut of Mediterranean Studies (p. 16), Hendrickson delivers a history of Maghribi thought on its own terms — intertwined with northerly dynamics but not co-extensive with them. Importantly, she makes a similar move looking southward. Chapter 7, on Mauritania, points to the discursive commonalities and divergences that characterized the circulation of people, texts, and ideas around the sandy sea of the Sahara.

The book's other significant intervention is in Islamic legal studies. Within that field, a major trend of the last several decades has been to establish the originality and flexibility of “later” (post-fourth/tenth century) Muslim jurists, whom a previous generation of historians tended to deprecate as mere followers of legal precedent. The revisionist scholarship has largely involved surfacing instances of explicit innovation on the part of past jurists. Gently asserting that we can now take jurists' capacity for creative reasoning as a given, Hendrickson sets out to investigate subtler yet no less important dynamics: how jurists actively constructed conservative stances in the midst of political and social flux and what made these stances authoritative and useful across time. Such an investigation is no easy task. As Hendrickson points out, later jurists — here al-Wanšarīsī is the main object of study — were themselves invested in making their opinions look like straightforward applications of precedent (p. 111). Pushing past this “strategic illusion” (p. 146), she identifies a variety of subtle maneuvers that went into the construction of al-Wanšarīsī's

position on the obligation to emigrate, especially in *Asnā l-matāğir*. Among these maneuvers are the manipulation or unacknowledged citation of writings by earlier jurists, as well as dissemblance, or the concealing of one's motivations. Hendrickson moreover argues that al-Wanšarīsī crafted *Asnā l-matāğir* and the Marbella fatwa with an eye toward their durable authority — an endeavor in which he was successful, given that colonial-era writings on emigration dealt almost exclusively with those two texts as the relevant precedent. The factors that account for this success include, in Hendrickson's analysis, the emotional, narrative appeal of the questions that prompted the fatwas and the placement of the fatwas in al-Wanšarīsī's *Mi'yār*, the later popularity of

which gave those texts greater prominence. In other words, the long-term authority of these fatwas was due not simply to the power of al-Wanšarīsī's argumentation, nor to his upholding of some timeless doctrine, but to his strategic choices, as well as to a variety of historically contingent factors. Hendrickson has thus rendered a powerful picture of Islamic law as purposeful yet subject to the vicissitudes of history, creative yet constrained by the expectations and structures of genre, legally cogent yet animated by extra-legal concerns — in short, as deeply human.

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